

GREENWOOD COMMON COUNCIL
FEBRUARY 6, 2006 MINUTES
PAGE 1

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which Chaplain David Owens offered the invocation.

PRESENT: Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis.

Mr. Bates moved to accept the minutes of January 16th, with second by Mr. Gibson. Vote; Ayes (Bless – Abstain).

Betty Davis of the Senior Citizens Center was invited to give their financial report at this time (Financial Statements in attachments of this meeting). She also commended the Council for their continuing support of the senior citizens and gave a brief history. Joyce Nies, counsel representative to the Senior Citizens Center and Board member, was also present. Mr. Bless then moved to approve the contract with the Senior Citizens Center for the year 2006 to provide \$20,000 in funding and to authorize the Council president and the Mayor to sign on the Council's behalf. Mr. Gibson seconded. Vote: Ayes. Motion carried.

The City Attorney had distributed her litigation report, which included an updated report on sewer liens. There were no questions from the Council.

Mr. Hardin reported on the joint training session for the Plan Commission and the Council with the representatives from Ball State.

ORDINANCE No. 05-33 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 4 Acres Located on the Southwestern Corner of Stella Drive and State Road 135, Commonly Known as the Waltz Property. Ms. Reed moved to pass Ordinance No. 05-33 through first reading. Second by Mr. Bates. Mayor Henderson opened the public hearing. Attorney Ray Good represented the petitioner, along with owner of the subject real estate Derrick Christy and Greg Ilko of Crossroad Engineering. Mr. Good referred to a handout to point out the location of the property and gave a brief history of the property. A copy of the conceptual site plan was included in the handout. The proposed project will include four office buildings, ranging from 6,660 to 9,000 square feet. Mr. Good moved on to discuss the commitments. The Plan Commission gave a 7-2 favorable recommendation, noted Mr. Good. In response to the Mayor, Planning Director Ed Ferguson noted that a right turn only (in and out) on State Road 135 is one of the commitments and if the zoning is approved and the commitments are recorded, Greenwood will copy the State. Ms. Koons-Davis noted that the fifth commitment, that multi-family structures will be prohibited, was left out of the draft of the ordinance. As no one else spoke, the public hearing was closed. At this time Mr. Bates moved to amend Ordinance No. 05-33 to include a fifth commitment which would prohibit multi-family structures. Second by Mr. Hardin. Vote: Ayes. **AMENDED.** Roll call on Ordinance No. 05-33 as amended: Ayes. **PASSED FIRST READING AS AMENDED.** Mr. Bates now moved to postpone second reading to comply with State statute, until March 20, 2006. Second by Mr. Gibson. Vote: Ayes. **SECOND READING POSTPONED UNTIL MARCH 20, 2006 MEETING.**

ORDINANCE No. 05-38 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and

GREENWOOD COMMON COUNCIL
FEBRUARY 6, 2006 MINUTES
PAGE 2

Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 92.186 Acres Located Southwest of the Intersection of County Road 700 North and County Road 125 West, and Commonly Known as the Clark Pleasant Community School Corporation Property. **POSTPONED FOR FIRST READING UNTIL FEBRUARY 20, 2006 MEETING.**

ORDINANCE No. 06-02 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations for the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of lot Nos. 3 through 17 in the Suburban Acres East Section Subdivision). Mr. Bless moved to pass Ordinance No. 06-02 through first reading. Seconded by Mr. Bates. Mr. Ferguson recounted that this petition was initiated by the Plan Commission. The lots in question contain duplexes and small apartment buildings on them; this has been true since they were built in the early 1960’s. The zoning, however, has been single-family all these years. A couple of the recent owners have had trouble getting title insurance and mortgage financing because the multi-family dwellings could not be rebuilt or grandfathered under the current zoning, so the Plan Commission has proposed this change to bring the zoning into compliance with the actual land use. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 06-03 – An Ordinance Amending Greenwood Municipal Code (1993), As Amended, Chapter 6, “Safety Departments and Regulations”, Article 10, “Specific Activities Regulated for the Public’s Health and Safety”, to Add a New Section to Adopt Regulations Prohibiting Smoking in Certain Public Places and Places of Employment. Ms. Reed moved to pass Ordinance No. 06-03 on first reading. Second by Mr. Bates. Mayor Henderson noted that, although this ordinance does not require a public hearing, he would allow supporters of the ordinance 15 minutes and those opposed 15 minutes, with follow-up by the Council. Ms. Reed briefly recounted that she had proposed this ordinance and gave a history of its preparation. A petition with 1687 names in support of the ordinance was made a part of the record. She had four designated speakers. First was Jane Blessing, coordinator of A Partnership for a Healthier Johnson County. Next to speak was Robert J. Brody, President and CEO of St. Francis Hospital and Health Centers. He was followed by Bruce Hetrick owner of a small business in Indianapolis. Next to speak in favor of the ordinance was cardiologist Dr. Brad Weinberg. Tom Bridges, a pastor at First Baptist Church, was last to speak in favor of the ordinance. Those who were in favor of the ordinance were asked to stand.

Opponents were given an opportunity to speak as well. First was resident Julie Sigalo. Jim Johnson, business owner, was next. Ron Franklin asked for clarification on allowing smoking in the lounge areas of his sports arena. Counsel said that an exception would have to be made as the ordinance is now written. As no one else spoke, Ms. Reed next offered an amendment to delete restaurant, hotel and motel conference or meeting rooms and public and private assembly rooms used for private functions from the list of exemptions and to insert private clubs as exempt from regulations; and make the ordinance in full force and effect upon its passage, allowing a 60-day phase-in period for all public places and places of employment. Second by Mr. Hardin. Vote: Ayes. **AMENDED.** Ms. Koons-Davis noted typographical errors:

page 5, Subsection (e) line 2, change “s” to “is”;

Subsection (f) paragraph 1, line 2, add Subsection (c); (f) 3, line 2, change “nor” to “no”;

GREENWOOD COMMON COUNCIL
FEBRUARY 6, 2006 MINUTES
PAGE 3

page 6, Subsection (i), capitalize “no” in “ international “no Smoking””; change “car” to “bar”;

page 7, Subsection (k), #5, (iv) change “find” to “fine”.

Mr. Hardin moved to amend Ordinance No. 06-03 as described by the City Attorney. Second was by Mr. Bless. Vote: Ayes. **AMENDED.** Mr. Deer expressed his concerns about the statistics presented and talked about choices made to go to certain establishments. Mr. Deer then described several areas in which he thought amendments ought to be made – enforcement, clarification of definition of a “bar” versus a “club”, definition of “incidental” food – and said he would put those ideas in amendment form. Mr. Hardin commented that he thought the leisure needs of the few are less important than the medical needs of the many. Mayor Henderson commented on the differences between the actions of Indianapolis and Greenwood. He said he had a tremendous problem with government’s hypocrisy in subsidizing tobacco farmers. The Mayor said that he hopes this ordinance, if it passes, has a very positive effect on the health of this community and urged all those in support to write their congressman to get the Federal government to stop subsidizing tobacco. Ms. Reed called for the question. Vote: Ayes – Armstrong, Bates, Bless, Gibson, Hardin, Reed; Nay – Deer. **ORDINANCE No. 06-03 PASSED FIRST READING AS AMENDED.**

The Council recessed at 8:30 p.m. and reconvened at 8:40 p.m.

RESOLUTION No. 06-03 – A Resolution of the Greenwood Common Council Expressing Interest in the Purchase of Land. Mr. Gibson moved to pass Resolution No. 06-03 through first reading, with second by Mr. Bates. Mayor Henderson recalled that property owners along Meridian Street (north of Surina Way and north of Main Street) came to the Planning Department to see if the City had interest in buying that land. Judge Gregory has subsequently talked with some of those property owners. Barry Wray as one of those property owners spoke on the issue. The Mayor described how the process is supposed to work and the process is working in this instance. Judge Gregory indicated that the proposal merits investigation and thought it would be useful, at least in the future. At this point, he said, the City is only getting information and he told the Council this idea may make a lot of sense for Greenwood. Two appraisals for each parcel would be needed to move forward. The City Attorney commented that we usually get a couple of proposals and then proceed with the lowest bidder. After a year, she said, we would want to check the market again. Mr. Armstrong and Mr. Bates discussed the issue of timing. Mr. Gibson told the Council that we should go back to the Master Plan and investigate which way the City wants to go. Mr. Hardin indicated he would like to have a land use plan before spending money on appraisals. After further discussion, Mr. Bless moved to table the issue. Second by Ms. Reed. Vote: Ayes – Bates, Bless, Gibson, Hardin, Reed; Nays – Deer, Armstrong. **TABLED.**

ORDINANCE No. 06-01 – An Ordinance Providing For an Additional Appropriation From the Cumulative Capital Improvement Fund – Tax Levy (\$1,600,000) For Reconstruction and Repair of a Portion of Streets Located in the Valle Vista Subdivision. Mr. Hardin moved to pass Ordinance No. 06-01 through second reading. Seconded by Mr. Armstrong. Mayor Henderson thought the normal process would allow for bids to be let around the last of March. Ms. Myers told the Council that the balance in the fund is \$1 million with \$1.9 million estimated at the end of the year. Vote: Ayes. **PASSED SECOND READING.**

ORDINANCE No. 06-05 – An Ordinance Amending Chapter 8, Article 4, Sec. 8-20, of the Greenwood Municipal Code (1993), As Amended, to Prohibit Parking on Public Paths and Trails and on the Area Between the Street and Any Public Sidewalk, Path or Trail Within the City of Greenwood. There was brief discussion

about the possibility of blocking sidewalks if the driveway is short.
INTRODUCED.

ORDINANCE No. 06-06 – An Ordinance to Amend Greenwood Common Council Ordinance Nos. 89-65 and 03-52, and Greenwood Municipal Code (1993), As Amended, Chapter 2, Article 8, Sec. 2-68(g)(3), to Clarify the Compensation Rate of Employees Who Work Both an Actual and Recognized Holiday in Operations Not Staffed Seven (7) Days a Week. Counsel explained that this is intended to prevent someone from being paid triple time for working both a recognized holiday and an actual holiday. The ordinance would stipulate that the premium rate is only for the hours worked on the actual holiday and time and a half for hours worked on a recognized holiday when both are worked. There was discussion touching on whether or not 40 hours per week had to be worked before the rate was applied. Mr. Hardin requested a matrix for discussion at first reading. **INTRODUCED.**

ORDINANCE No. 06-04 – An Ordinance Amending the 2006 Salary Ordinance, Common Council Ordinance No. 05-12, Regarding the Police Department to Fund Probationary Patrol Officers. **INTRODUCED.** Chief Pitcher told the Council that he has two new officers whose salaries he found were not included in the salary ordinance. Ms. Koons-Davis recommended a suspension of the rules. Ms. Reed moved to suspend the rules to consider first reading. Second by Mr. Gibson. Vote: Ayes. **RULES SUSPENDED.** Mr. Bless then moved to pass Ordinance No. 06-04 on first reading. Mr. Bates seconded. Vote: Ayes. **PASSED FIRST READING.** Mr. Gibson then moved to suspend the rules to consider second reading. Second by Mr. Hardin. Vote: Ayes. **RULES SUSPENDED.** Mr. Gibson moved to pass Ordinance No. 06-04 on second reading. Seconded by Mr. Bless. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 06-04 – A Resolution of the Greenwood Common Council to Join the Central Indiana Regional Transportation Authority. Mayor Henderson described his concern in not having a vote on the board, although we would have a voice. Mr. Deer added his concerns. In response to Mr. Hardin, Mr. Deer said that if we do not join, we block the ability of the surrounding counties to have a seat. **INTRODUCED.**

Under miscellaneous business, Mr. Hardin brought up change in e-mail addresses. Mayor Henderson will ask the Chief Information Officer to be at the next meeting.

Mr. Armstrong indicated he had a request from the Valle Vista Homeowners' Association regarding the possibility of putting a "No Jake-Brake" sign on Smith Valley Road. This is an engine compression brake for semis, he added. The Mayor stated he has talked with staff about bringing forth an ordinance on this issue.

President Bates discussed invoices from the Indianapolis Metropolitan Planning Association. No motion was needed. Mr. Deer noted this was presented at budget time.

The City Attorney brought a 2006 Compliance Form from Precedent Industrial Group, LLC, with a memorandum of her findings. Mr. Bates moved to find Precedent Industrial Group, LLC in substantial compliance. Second by Mr. Bless. Vote: Ayes.

Mayor Henderson reported on a meeting he attended with several people from the Governor's office last week. Governor Daniels is asking that the Council endorse his Major Moves Program. Mr. Bates moved to endorse the Major

GREENWOOD COMMON COUNCIL
FEBRUARY 6, 2006 MINUTES
PAGE 5

Moves Program. Second by Mr. Hardin. In response to Mr. Armstrong, the Mayor commented that the toll increase would be 2% maximum and had not been raised since 1985. Vote: Ayes – Bates, Bless, Deer, Gibson, Hardin, Reed; Nay – Armstrong. Motion carried.

Mayor Henderson announced that Governor Daniels will hold a joint news conference with mayors throughout the State tomorrow to endorse the Indiana Cities and Towns Hometown Matters. This is an effort to give local governments the right to find other revenue sources if it goes to property tax relief. The levy would be reduced, said the Mayor.

The Mayor mentioned a right-turn arrow that has been installed for north-south traffic at Averitt Road and Smith Valley. There will be another for east-west traffic and he hopes to have numbers for Main Street and Averitt Road at the next meeting.

With no further business, the meeting adjourned at 9:30 p.m.

Mayor Charles E. Henderson

Jeannine Myers, Clerk-Treasurer